REMARKS

The examiner had rejected all of claims 1-14 either under 35 USC 102(b) as being anticipated by Ohba (US 2002/0097247) or under 35 USC 103 citing again Ohba, this time in combination with one or both of the references to Nakamura, et al (US 7,331,856) and/or Lee, et al (US 6,160,899).

In the response to arguments, the examiner summarized that it was the examiner's position that Ohba does teach applicant's movements in accordance with a predetermined order of a predetermined plurality of points. In this regard, the examiner specifically referred to Fig. 7, and the corresponding description indicating a hierarchal menu that the user selects from. Specifically, after selecting "menu", the user has the option of selecting "select 1", "select 2", or "select 3". Thereafter, based upon whatever selection the user makes, a subset menu then appears and the user makes a further selection.

Applicant respectfully submits that this hierarchal menu is not a "predetermined" order of a plurality of touch points. Furthermore, the claim also requires that it be made in a "predetermined order".

When you make a selection from a hierarchal menu, the computing system does not know in advance what choice will be made and does not know in advance what predetermined selection will be done by the user. It is only based upon a first selection, that a processing step occurs to display a submenu from which the user can then make a further selection, at his option.

In the present claimed invention, the entire set of touch points that <u>must be touched</u> by the user are all preset. The user either conforms to that or does not conform to that.

Furthermore, not only is the specific points predetermined and present, but the order in which the user <u>must</u> touch those points, is also preset.

Accordingly, it is the computer and the processing means that sets up a predetermined plurality of touch points and a predetermined order. All the computer then does is wait to determine whether the user has followed that sequence in that particular order for the particular points. If such predetermined points were touched in a predetermined order, <u>only</u> then does the processing begin. In the absence of any such touching of the predetermined points in the predetermined order, no processing at all will begin.

It is believed that Ohba does not teach this. Ohba may provide a hierarchal menu. However, that is not a predetermined order that must be selected before any processing begins. In Ohba, once an initial selection is made of one part of a menu, already processing begins to detect the submenu that must be presented. This is apparent from the descriptions in pars. 0073 and 0074, where it states that the processing disclosed in the paragraph 0075, is to detect a position by the operator and to display a menu of a sub-layer in a hierarchal menu based upon such processing.

All of the claims have been amended to more clearly bring out the predetermined aspect of the present invention where it is not up to the option of the user to decide what hierarchy to choose from, but it is all predetermined and it is just up to the user to follow the particular selected points in the specific pre-selected order. The claims are also further amended to indicate <u>only</u> after detecting such selection by the user in the predetermined order and the predetermined number of point will processing begin.

Additionally, in the examiner's remarks with respect to the displaying a particular point among other points in a manner different from the others, the examiner referred to Nakamura and specifically col. 30, lines 50-56. Such section in Nakamura has been carefully reviewed. However, all Nakamura talks about is the user duplicating the "rhythm" pattern that has been set up by the computer. Nowhere does it in any way refer to highlighting <u>visually</u> one display area from amongst other display areas.

To further bring out this distinction, the claim has been further clarified to indicate that it is the visual display that is distinguishing from the others.

It should also be noted that with respect to claims 9-14, the examiner relied upon Nakamura to disclose an image indicating two touch points to be touched next and detecting visual touches that have been made simultaneously at two touch points. In that regard, the examiner specifically referred to col. 25, lines 55-col. 26, line 3. That section has been scrutinized and applicant fails to understand the relevance of that section to what the examiner refers to. That section refers to Fig. 37 of Nakamura, where it simply indicates a timesharing of multiple users so that the users do not overlap one to the other. It has nothing to do with detecting virtual two touches being made simultaneously.

Furthermore, the examiner has failed to find any other section in Nakamura that teaches this feature. Accordingly, it is believed that this feature lacks any support in the prior art.

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully

requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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